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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA CUEVAS,  
Plaintiff,  
vs.

BRIDGESTONE RETAIL OPERATIONS,  
LLC; and DOES 1 to 10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff JOSHUA CUEVAS ("Plaintiff") complains of Defendants  
BRIDGESTONE RETAIL OPERATIONS, LLC; and DOES 1 to 10 ("Defendants") and  
alleges as follows:

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**PARTIES**

1  
2 1. Plaintiff is a California resident with a physical disability. Plaintiff suffers  
3 from multiple sclerosis and is substantially limited in his ability to walk. Plaintiff requires  
4 the use of a wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,  
6 business operators, lessors and/or lessees of the real property for a tire shop (“Business”)   
7 located at or about 23100 Lyons Ave., Newhall, California.

8 3. The true names and capacities, whether individual, corporate, associate or  
9 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
10 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
11 Court to amend this Complaint when the true names and capacities have been  
12 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such  
13 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
14 Plaintiff for the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
18 the things alleged herein was acting with the knowledge and consent of the other  
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or  
21 failure to act by a defendant or Defendants, such allegations and references shall also be  
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
23 and severally.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
27 *seq.*).  
28





- 1 a. A failure to make reasonable modification in policies, practices, or  
2 procedures, when such modifications are necessary to afford such  
3 goods, services, facilities, privileges, advantages, or accommodations  
4 to individuals with disabilities, unless the entity can demonstrate that  
5 making such modifications would fundamentally alter the nature of  
6 such goods, services, facilities, privileges, advantages, or  
7 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 8 b. A failure to take such steps as may be necessary to ensure that no  
9 individual with a disability is excluded, denied services, segregated or  
10 otherwise treated differently than other individuals because of the  
11 absence of auxiliary aids and services, unless the entity can  
12 demonstrate that taking such steps would fundamentally alter the  
13 nature of the good, service, facility, privilege, advantage, or  
14 accommodation being offered or would result in an undue burden. 42  
15 U.S.C. § 12182(b)(2)(A)(iii).
- 16 c. A failure to remove architectural barriers, and communication barriers  
17 that are structural in nature, in existing facilities, and transportation  
18 barriers in existing vehicles and rail passenger cars used by an  
19 establishment for transporting individuals (not including barriers that  
20 can only be removed through the retrofitting of vehicles or rail  
21 passenger cars by the installation of a hydraulic or other lift), where  
22 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 23 d. A failure to make alterations in such a manner that, to the maximum  
24 extent feasible, the altered portions of the facility are readily  
25 accessible to and usable by individuals with disabilities, including  
26 individuals who use wheelchairs or to ensure that, to the maximum  
27 extent feasible, the path of travel to the altered area and the  
28 bathrooms, telephones, and drinking fountains serving the altered

1 area, are readily accessible to and usable by individuals with  
2 disabilities where such alterations to the path or travel or the  
3 bathrooms, telephones, and drinking fountains serving the altered area  
4 are not disproportionate to the overall alterations in terms of cost and  
5 scope. 42 U.S.C. § 12183(a)(2).

6 21. Where parking spaces are provided, accessible parking spaces shall be  
7 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
8 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
9 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
10 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
11 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

12 22. For the parking spaces, access aisles shall be marked with a blue painted  
13 borderline around their perimeter. The area within the blue borderlines shall be marked  
14 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting  
15 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall  
16 be painted on the surface within each access aisle in white letters a minimum of 12 inches  
17 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §  
18 11B-502.3.3.

19 23. Here, Defendants failed to provide a proper access aisle as there were no  
20 “NO PARKING” markings and blue hatched lines painted on the parking surface.  
21 Moreover, Defendants failed to provide the access aisle with the minimum width of 96  
22 inches.

23 24. The surface of each accessible car and van space shall have surface  
24 identification complying with either of the following options: The outline of a profile  
25 view of a wheelchair with occupant in white on a blue background a minimum 36” wide  
26 by 36” high (914 mm x 914 mm). The centerline of the profile view shall be a maximum  
27 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the  
28 length of the parking space and its lower side or corner aligned with the end of the

1 parking space length or by outlining or painting the parking space in blue and outlining  
2 on the ground in white or a suitable contrasting color a profile view of a wheel chair with  
3 occupant. See CBC § 11B-502.6.4, et seq.

4 25. Here, Defendants failed to maintain the mark on the space with the  
5 International Symbol of Accessibility, resulting in the paint becoming severely  
6 deteriorated, hindering visibility.

7 26. A public accommodation shall maintain in operable working condition those  
8 features of facilities and equipment that are required to be readily accessible to and usable  
9 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

10 27. By failing to maintain the facility to be readily accessible and usable by  
11 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related  
12 regulations.

13 28. The Business has denied and continues to deny full and equal access to  
14 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
15 discriminated against due to the lack of accessible facilities, and therefore, seeks  
16 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
17 by individuals with disabilities.

## 18 **SECOND CAUSE OF ACTION**

### 19 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

20 29. Plaintiff incorporates by reference each of the allegations in all prior  
21 paragraphs in this complaint.

22 30. California Civil Code § 51 states, "All persons within the jurisdiction of this  
23 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
24 national origin, disability, medical condition, genetic information, marital status, sexual  
25 orientation, citizenship, primary language, or immigration status are entitled to the full  
26 and equal accommodations, advantages, facilities, privileges, or services in all business  
27 establishments of every kind whatsoever."  
28







provided), telephone facilities, adoption agencies, private schools, hotels, loading places, places of public accommodations, amusement, or resort, and other places in which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

37. California Civil Code § 54.3(a) states, “Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of public facilities as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for the actual damages, and any amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than one thousand dollars (\$1,000) and any attorney’s fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 54, 54.1, and 54.2.

38. California Civil Code § 54(d) specifies, “a violation of the right of an individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also constitute a violation of this section, and nothing in this section shall be construed to limit the access of any person in violation of that act.

39. The actions and omissions of Defendants alleged herein constitute a denial of full and equal accommodation, advantages, and facilities by physically disabled persons within the meaning of California Civil Code § 54. Defendants have discriminated against Plaintiff in violation of California Civil Code § 54.

40. The violations of the California Disabled Persons Act caused Plaintiff to experience difficulty, discomfort, and embarrassment. The Defendants are also liable for statutory damages as specified in California Civil Code §55.56(a)-(c).

#### **FOURTH CAUSE OF ACTION**

#### **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

41. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

1           42. Plaintiff and other similar physically disabled persons who require the use of  
2 a wheelchair are unable to use public facilities on a “full and equal” basis unless each  
3 such facility is in compliance with the provisions of California Health & Safety Code §  
4 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
5 provisions of California Health & Safety Code § 19955 et seq.

6           43. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
7 that public accommodations or facilities constructed in this state with private funds  
8 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
9 Title 1 of the Government Code. The code relating to such public accommodations also  
10 require that “when sanitary facilities are made available for the public, clients, or  
11 employees in these stations, centers, or buildings, they shall be made available for  
12 persons with disabilities.

13           44. Title II of the ADA holds as a “general rule” that no individual shall be  
14 discriminated against on the basis of disability in the full and equal enjoyment of goods  
15 (or use), services, facilities, privileges, and accommodations offered by any person who  
16 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
17 Further, each and every violation of the ADA also constitutes a separate and distinct  
18 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
19 award of damages and injunctive relief pursuant to California law, including but not  
20 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

## 21                                   **FIFTH CAUSE OF ACTION**

### 22                                   **NEGLIGENCE**

23           45. Plaintiff incorporates by reference each of the allegations in all prior  
24 paragraphs in this complaint.

25           46. Defendants have a general duty and a duty under the ADA, Unruh Civil  
26 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
27 to the Plaintiff.  
28

47. Defendants breached their duty of care by violating the provisions of ADA, Unruh Civil Rights Act and California Disabled Persons Act.

48. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;

2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;

3. Award of all reasonable restitution for Defendants' unfair competition practices;

4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;

5. Prejudgment interest pursuant to California Civil Code § 3291; and

6. Such other and further relief as the Court deems just and proper.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: August 30, 2024

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
Attorneys for Plaintiff